

1 P R O C E E D I N G S

2 THE CLERK: State of Wisconsin versus
3 William Gallagher. Case No. 18CF5111. Attempted
4 robbery of a financial institution. Appearances,
5 please.

6 ATTORNEY GRIFFIN: Jim Griffin for
7 the state.

8 ATTORNEY ROOZEN: Charlie Roozen on
9 behalf of Mr. Gallagher, who appears in person
10 and in custody.

11 THE COURT: Okay. We're here for
12 plea and sentencing. What are the plea
13 negotiations?

14 ATTORNEY GRIFFIN: Prison.

15 THE COURT: That's pretty general.

16 ATTORNEY GRIFFIN: I was going to say
17 Wisconsin state prison but I shortened it up.

18 THE COURT: So it can be anywhere.

19 ATTORNEY GRIFFIN: In Wisconsin.

20 THE DEFENDANT: Wisconsin's fine.

21 THE COURT: Is that your
22 understanding, counsel?

23 ATTORNEY ROOZEN: Yes.

24 THE COURT: Mr. Gallagher, is that
25 your understanding?

1 THE DEFENDANT: Yes.

2 THE COURT: To the charge of

3 attempted robbery of a financial institution,

4 what's your plea? Guilty or not guilty?

5 THE DEFENDANT: Guilty.

6 THE COURT: And you signed the guilty

7 plea questionnaire and waiver of rights form

8 after going through this with your attorney?

9 THE DEFENDANT: What did he say? I

10 can't hear him.

11 THE COURT: Did I talk too fast?

12 ATTORNEY ROOZEN: Too fast, Your

13 Honor.

14 THE COURT: Okay. Do you understand

15 what you're charged with, why you're charged and

16 the elements of the offense?

17 THE DEFENDANT: Yes.

18 THE COURT: And you went through the

19 criminal complaint with your attorney?

20 THE DEFENDANT: Uh-huh.

21 ATTORNEY GRIFFIN: Is that a yes?

22 THE DEFENDANT: Yes.

23 THE COURT: Uh-huh was a yes?

24 THE DEFENDANT: Yes.

25 THE COURT: Is that correct, counsel?

1 ATTORNEY ROOZEN: Yes.

2 THE COURT: Okay. He said yes.

3 You're 68 years of age and completed the tenth

4 grade?

5 THE DEFENDANT: Uh-huh.

6 THE COURT: Where did you go to

7 school? What state?

8 THE DEFENDANT: Rice High School.

9 THE COURT: Where's that?

10 THE DEFENDANT: New York City,

11 Harlem.

12 THE COURT: How long did you live in

13 New York?

14 THE DEFENDANT: All my life except

15 for the 20 I spent in Jersey prison.

16 THE COURT: Except for the 20 you

17 spent in Jersey?

18 THE DEFENDANT: Right.

19 THE COURT: When were you in prison

20 in Jersey?

21 THE DEFENDANT: December 19th of '97

22 until this past April 27th I maxed out.

23 THE COURT: You maxed out?

24 THE DEFENDANT: 20 years four months

25 eight days.

1 THE COURT: And you counted it. And
2 then this happened in October, correct?

3 THE DEFENDANT: The bank? Yeah,
4 October 22nd.

5 THE COURT: Okay. And you're not
6 being treated for mental illness or disorder?

7 THE DEFENDANT: No. I'm fine.

8 THE COURT: No alcohol or drug
9 problems?

10 THE DEFENDANT: No.

11 THE COURT: You're not taking
12 medication?

13 THE DEFENDANT: For heart and minor
14 things like that. No sight drugs, no.

15 THE COURT: Do you understand by
16 pleading guilty you're giving up the following
17 constitutional rights. Your right to a trial,
18 either to me or a jury. In a jury trial, all 12
19 jurors have to agree you're guilty in order to
20 find you guilty. Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: You're giving up your
23 right to remain silent, your right to testify,
24 your right to subpoena witnesses, your right to
25 have your attorney cross-examine or ask questions

1 of the state's witnesses and your right to make
2 the state prove the case against you beyond a
3 reasonable doubt as to each and every element of
4 the charged crime. Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: And I do not have to
7 follow the recommendation of the state for
8 prison. I could put you on straight probation, I
9 could fine you, or I could sentence you to 30
10 years in the Wisconsin state prison. 20 years of
11 confinement, 10 years of extended supervision.
12 Did you write 12? What is the --

13 ATTORNEY GRIFFIN: It's 20 total.

14 ATTORNEY ROOZEN: 20 total.

15 ATTORNEY GRIFFIN: Which is 12 and a
16 half initial confinement, seven and a half of
17 extended supervision.

18 THE COURT: I stand corrected. I'm
19 writing it in. I couldn't read his handwriting.
20 Do you understand the maximum penalty is 12 and a
21 half incarceration, seven and a half extended
22 supervision?

23 THE DEFENDANT: Right.

24 THE COURT: You understand that. And
25 once I find you guilty you become a convicted

1 felon. That means you can't possess a firearm,
2 you can't vote in any election until you complete
3 your sentence, and if you're not a citizen you
4 could be deported. Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: And by pleading guilty
7 you're giving up your right to challenge the
8 police action in stopping you, arresting you,
9 searching you, seizing any evidence from you,
10 taking a statement from you or having any
11 witnesses identify you. Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: And by pleading guilty
14 you're giving up such defenses as insanity, self-
15 defense, intoxication, alibi, coercion or
16 necessity. Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: Counsel, you believe this
19 plea to be freely, voluntarily and intelligently
20 made?

21 (Attorney/client discussion.)

22 THE DEFENDANT: Yes.

23 THE COURT: No. I'm asking counsel.

24 THE DEFENDANT: Oh.

25 ATTORNEY ROOZEN: Yes.

1 THE COURT: Do you believe this plea
2 to be freely, voluntarily and intelligently made?

3 ATTORNEY ROOZEN: Yes.

4 THE COURT: Will you stipulate to
5 this criminal complaint to serve as a basis for
6 the plea?

7 ATTORNEY ROOZEN: Yes.

8 THE COURT: State?

9 ATTORNEY GRIFFIN: Yes.

10 THE COURT: I'll accept the plea.
11 Find a basis for the plea. Find the plea to be
12 freely, voluntarily and intelligently made. I'll
13 find the defendant guilty and order a judgment of
14 conviction entered. I'll hear from the state.
15 There's no presentence?

16 ATTORNEY GRIFFIN: There's none
17 requested from the state.

18 THE COURT: Okay. I'll reserve the
19 right. I may order one. Let me see. The
20 state's not requesting it and neither is the
21 defense, correct?

22 ATTORNEY ROOZEN: No.

23 THE COURT: I'll hear argument before
24 I make the decision.

25 ATTORNEY GRIFFIN: Well, the unusual

1 thing, Judge, that has been -- Well, there's a
2 few unusual things about this case. But one of
3 them is of course after hearing the defendant's
4 story from the detective, I ran an NCIC on him.
5 And I don't show a conviction from New Jersey. I
6 have a record in New York. I don't know if
7 maybe --

8 THE DEFENDANT: New York?

9 ATTORNEY GRIFFIN: For example, I
10 have -- Are you a junior?

11 THE DEFENDANT: Right.

12 ATTORNEY GRIFFIN: Yeah. I show him,
13 for example, with assault first-degree in Bronx
14 County criminal court. That obviously is New
15 York City.

16 THE COURT: Let's see if he agrees
17 with you. Does that sound right? No?

18 THE DEFENDANT: What's that?

19 THE COURT: Did you hear what the
20 district attorney said about --

21 THE DEFENDANT: That's April of '72,
22 '71. I just did over 20 years in Jersey. How
23 could it not be in the whatever it's called? The
24 database or whatever. That's crazy. I can give
25 you my state number and my SP9 number.

1 THE COURT: He even has a New Jersey
2 accent.

3 ATTORNEY GRIFFIN: That could be a
4 New York accent. Are you from Harlem?

5 THE DEFENDANT: I'm from New York.

6 ATTORNEY GRIFFIN: I'm walking here.
7 That kind of thing. So that was from 1972.

8 THE DEFENDANT: Right.

9 ATTORNEY GRIFFIN: The disposition
10 date that I have is 4-4-72.

11 THE DEFENDANT: Right.

12 ATTORNEY GRIFFIN: It's possible,
13 that it was a long time ago, for some reason they
14 sent him to New Jersey to do his sentence.

15 THE DEFENDANT: No, no, no. Jersey
16 was a whole different crime.

17 ATTORNEY GRIFFIN: Yeah. I mean, all
18 I'm telling you is this is what I show. And
19 there was some misdemeanor as well about
20 dangerous instrument or intent to use, but
21 there's an assault first-degree. But that's not
22 a murder and attempt murder charge as I
23 understand it but it could be out there.

24 THE DEFENDANT: Definitely. Trust
25 me.

1 ATTORNEY GRIFFIN: Right. The weird
2 part about that of course is that that's in '72
3 and then I've got him with a case in 1980 under
4 the same name and everything else in New York
5 County criminal court, promoting gambling second-
6 degree --

7 THE DEFENDANT: Right.

8 ATTORNEY GRIFFIN: -- convicted --

9 THE DEFENDANT: Right. That's right.

10 ATTORNEY GRIFFIN: -- in 1980. So if
11 he got 20 years and he went in in '72, how he
12 would be out in 1980 --

13 THE DEFENDANT: I went in in '97.
14 December 19th, '97 in the state of New Jersey.

15 ATTORNEY GRIFFIN: Yeah. Then in
16 '81 --

17 THE DEFENDANT: That's all New York.

18 ATTORNEY GRIFFIN: Right. This is
19 all New York. And I don't show a New Jersey
20 conviction for him.

21 THE DEFENDANT: Am I going to prison
22 or what?

23 THE COURT: Slow down.

24 ATTORNEY GRIFFIN: Not an argument
25 that I have that often with a defendant. So I

1 bring that up only because then the court
2 mentioned you may order a PSI on your end. And
3 I'm just telling you I've run the NCIC on him and
4 that's what I show. Obviously he told the police
5 that he was -- had an unregistered rifle in the
6 '70s, aggravated assault in the '70s, which would
7 be what I see. Shot his wife in 1997, was in New
8 York prison from '97 until April of 2018, which
9 is what he's saying here.

10 I don't have a record of that. It's
11 possible New Jersey didn't put it in. There's
12 all kinds of possibilities. The NCIC's are not
13 reliable in my experience one way or the other.
14 They show things that turn out to not be right,
15 they omit things maybe, but that's a big one.
16 And it was from such a long time ago, it's not
17 like it happened last year and they didn't input
18 it yet or something like that. So I know what
19 the defendant's saying. I just can't
20 substantiate it through the NCIC.

21 THE COURT: Counsel?

22 ATTORNEY ROOZEN: Well, Your Honor,
23 Mr. Gallagher does have substantial details about
24 his prison ID number, where he spent the time,
25 the details of the trial in that case and his

1 attorney. I tried to reach out to the attorney
2 that he had to confirm it but I haven't heard
3 back from him at this point. I have no reason to
4 not believe Mr. Gallagher. Do you want me to
5 continue with the rest of my argument?

6 ATTORNEY GRIFFIN: I think we're just
7 talking about this one issue right now. I don't
8 disbelieve him either. I'm just telling you what
9 I have and I'm ready to move on from there.

10 THE COURT: Then let's move on.

11 ATTORNEY GRIFFIN: Okay. So when he
12 talked to the police of course, and it's
13 consistent with sort of what happened here, he
14 told them that he robbed this bank so he could
15 get to prison. They even asked him what if you
16 had gotten the money. He said I would have taken
17 it and I would have gone outside which then would
18 have been, of course, a completed robbery. And
19 he said I would have hoped that somebody would
20 recognize me and I would get arrested. The story
21 as he explained it to detective I think it was
22 Anderson.

23 THE DEFENDANT: Alex.

24 ATTORNEY GRIFFIN: Oh, Klabunde.
25 K-L-A-B-U-N-D-E. Was that when he was in prison

1 in Jersey, he heard something about Wisconsin
2 prisons having good healthcare. Well, as I
3 remember commenting to Detective Klabunde at the
4 time, if he gets to prison, I don't know what the
5 court's gonna do, it's certainly my
6 recommendation, he's gonna find out that he was
7 misinformed. That our healthcare at our prisons
8 is lousy as everywhere else. At least that's
9 what I've been told. That it's, you know, like
10 all those prison programs. You kind of take them
11 with a grain of salt.

12 But this is an attempted bank
13 robbery. Whatever the motivation was, you know,
14 he told the police he thought maybe he had cancer
15 and didn't have a lot -- long time to live. Part
16 of why he was thinking medical care from prison.
17 I've seen guys break windows in the winter time
18 because they're hoping to get inside for a few
19 days in the jail. I've seen that before. I've
20 never heard anyone rob a bank so they can get to
21 prison so they could get healthcare. It's
22 certainly a -- it's a sad comment on the
23 situation of healthcare in America that has
24 nothing to do with this case in and of itself,
25 but it is a sad comment on that. That a guy's

1 gotta rob a bank to get healthcare is unfortunate
2 to say the least.

3 I'm not sure what the court's gonna
4 do with Mr. Gallagher. I know what he wants. I
5 know it strikes me as appropriate given it's a
6 bank robbery. But it's tempered by this I'll
7 call it an insistence on getting to prison. It's
8 just odd, because the idea of prison's supposed
9 to be it deters people from committing crimes.
10 In this case, it motivated him to commit a crime
11 at which point if that's -- You know, I'm not
12 saying I expect an avalanche of people doing
13 this, but it's a strange situation for sure.
14 Thank you.

15 THE COURT: Counsel.

16 ATTORNEY ROOZEN: Thank you, Judge.
17 This is quite an unusual case as you can imagine.
18 But from my -- I've spent a substantial amount of
19 time with Mr. Gallagher. First I would like to
20 put on the record that I do not believe that
21 there is a reason to raise competency. And him
22 and I have discussed it. He does not want me to
23 raise competency, but I do not believe there's a
24 reason or basis to raise competency.

25 Secondly, him and I have discussed

1 the case in great detail and he has made it very
2 clear that he wants me to request a certain
3 amount of prison that I'm gonna let him explain.
4 But in terms of his -- how he got here,
5 Mr. Gallagher grew up in New York. Hell's
6 kitchen, New York. He sold wholesale produce to
7 restaurants in New York. He was in Vietnam for
8 three years.

9 THE DEFENDANT: No. No. One year.

10 ATTORNEY ROOZEN: One year.

11 THE COURT: Yeah. Tour of duty was
12 one year and then he got out.

13 ATTORNEY ROOZEN: And then he got
14 out. So he was in Vietnam for one year. He has
15 three children who are all grown and live in New
16 York -- or one lives in Connecticut and owns a
17 cross-fit gym. One does commercial residential
18 real estate, his daughter.

19 And Mr. Gallagher spent 20 years in
20 New Jersey prison and became what he, how he
21 describes it, institutionalized. He had trouble
22 adapting when he got out. He felt like he was a
23 burden to his children. He was living in a
24 program that his rent was substantially covered
25 by the VA Association. And he had a seizure one

1 day, went to the hospital and was informed that
2 he had a number of issues with his health. He
3 lost his housing and SSI and really felt like he
4 had no other choice.

5 He decided that he was going to come
6 to Wisconsin based on conversations he had with
7 people when he was in custody about the
8 healthcare system. But really he was
9 motivated -- from our conversations, he feels
10 more comfortable in prison because of the amount
11 of time that he spent there than he did when he
12 was out. So he did take the Amtrak train to
13 Chicago and then took the train to Milwaukee and
14 went to the Chase bank and did that with the sole
15 motivation of going to prison.

16 I'll let Mr. Gallagher -- I think
17 Mr. Gallagher can speak more towards what he's
18 asking for and why. But for the record's
19 purposes, I would just like to put on the record
20 that I have spent a number of hours with
21 Mr. Gallagher going through this case and talking
22 about all of his options and he's made it very
23 clear that this is what he wants.

24 THE COURT: Okay. Sir, how did
25 you -- what was the New Jersey conviction for,

1 did you say?

2 THE DEFENDANT: What did he say?

3 THE COURT: New Jersey, what was the
4 conviction?

5 THE DEFENDANT: Attempted murder they
6 called it.

7 THE COURT: Oh. Were you found
8 guilty or did you plead guilty?

9 THE DEFENDANT: I went to trial.
10 Yeah, I was found guilty.

11 THE COURT: Okay. And you got out
12 again when?

13 THE DEFENDANT: April 27th.

14 THE COURT: Of this year?

15 THE DEFENDANT: Right.

16 THE COURT: And this happened in
17 October?

18 THE DEFENDANT: Uh-huh.

19 THE COURT: Okay. What do you wanna
20 say prior to sentencing?

21 THE DEFENDANT: I really have nothing
22 to say. I'm not crazy, Your Honor, you know.
23 I'm 68. I just got out. Every day I'm looking
24 at my watch. Oh, they're in the yard now,
25 they're in this, they're -- You know what I'm

1 saying? Instead of leaving -- trying to lead a
2 life out here, I'm thinking about what's going on
3 where I just left, okay? And things were going
4 pretty good and then everything just fell apart.
5 And then in July they took cancer out of my back
6 in the VA hospital in Brooklyn.

7 THE COURT: So you're eligible for VA
8 health insurance.

9 THE DEFENDANT: Excuse me?

10 THE COURT: You're entitled to be
11 treated for your health at the VA hospital.

12 THE DEFENDANT: I guarantee the VA's
13 worse than what the D.A. was just talking about
14 Wisconsin healthcare prison system. But anyway,
15 then they said I have three lymph nodes in my
16 stomach and a nodule on my lung. And they were
17 going to do a biopsy on and I blew town, you
18 know, because I'm not gonna go through chemo,
19 radiate and all that nonsense. Like I said, I
20 don't wanna be a burden on my family, you know.

21 THE COURT: So what do you want me to
22 do?

23 THE DEFENDANT: Put me in prison.

24 THE COURT: For how long?

25 THE DEFENDANT: 10 years is good.

1 THE COURT: Where did you come up
2 with this that Wisconsin is one of the top rated
3 prison systems --

4 THE DEFENDANT: About 48 years ago,
5 I'm sitting with a 72-year-old con. We're in the
6 yard talking and he been doing this since he was
7 13. And he had been in just about every prison
8 in the country and he did two bids in Wisconsin.
9 And he said it was the best food, commissary,
10 this, that, everything. And according to talking
11 to the guys in the last six, seven weeks, he was
12 a hundred percent right.

13 THE COURT: Who are you talking to in
14 the last six, seven weeks?

15 THE DEFENDANT: The guys in my dorm.

16 THE COURT: You mean at the House of
17 Correction?

18 THE DEFENDANT: Right.

19 THE COURT: How is the jail, by the
20 way?

21 THE DEFENDANT: It's terrible.
22 That's why I said give me the 10 and get me out
23 of there. That's part of the deal I hope.

24 THE COURT: A lot of people where I
25 give them the option of probation and a year at

1 the House, they say send me to prison for a year.
2 Prison usually is better than the House of
3 Correction. I understand that part --

4 THE DEFENDANT: Right.

5 THE COURT: -- but I don't know. It
6 just bothers me that -- First of all, there was
7 a rating generally of the prison systems from
8 some national organization. I forget what it
9 was. Wisconsin was like 42 overall. It didn't
10 deal with health insurance. And you basically
11 come to Milwaukee to commit a crime based upon
12 hearsay and what you heard from fellow prisoners
13 that they have great healthcare and you want
14 basically to go to prison to get healthcare
15 because the VA you say is worse than Wisconsin,
16 correct?

17 THE DEFENDANT: Correct.

18 THE COURT: Well, that's a little
19 bizarre. I don't know under -- You ever seen
20 the movie Shawshank Redemption?

21 THE DEFENDANT: Sure. That's me.
22 The librarian guy.

23 THE COURT: Right.

24 THE DEFENDANT: Right.

25 THE COURT: Right.

1 THE DEFENDANT: Institutionalized,
2 couldn't adjust, everything fell apart, he hung
3 himself. I'm not hanging myself but, you know,
4 that's it. Trust me. The state's not gonna get
5 10. I'll sign for 10 but I don't think I'll --
6 I'll last that long so I'm not doing nothing, you
7 know, that crazy.

8 THE COURT: It costs \$20,000 at least
9 a year to house and take care of you in prison.
10 You realize that. That's what it costs the
11 taxpayers.

12 THE DEFENDANT: Uh-huh. Of course
13 it's more in New Jersey. It's 50.

14 THE COURT: Is it?

15 THE DEFENDANT: Yeah.

16 THE COURT: It's a deal here we have
17 here. Cost of living is higher in New Jersey,
18 New York, anyway. But the point is, we can't --
19 You know, for one -- for sentencing purposes, I
20 can't consider the fact, I don't think so, or
21 give it under a Gallion, no one has ever had --
22 it's a case, Supreme Court case. We never had to
23 analyze it on the need for you to get surgery and
24 having you travel all the way here. Was it by
25 train? Amtrak?

1 THE DEFENDANT: Uh-huh.

2 THE COURT: Just to go to prison. I

3 mean, it's -- as I say, it's bizarre. You know,

4 there is no -- as I say, I'm sure the people at

5 the Department of Corrections, the prison, would

6 like to hear that you're giving them like a

7 triple A five star rating. But you haven't been

8 in there and you might get in there and say, hey,

9 this is as bad as Jersey. I mean, just -- I

10 don't know what --

11 THE DEFENDANT: Judge, just give me

12 the time. I mean, I don't see what's so

13 difficult about this.

14 THE COURT: Difficult is we don't

15 want to attract people from around the country to

16 come to Wisconsin to commit --

17 THE DEFENDANT: Trust me. I won't

18 tell anybody back in New York or New Jersey.

19 Keep it between us.

20 THE COURT: You're not gonna tell

21 anyone?

22 THE DEFENDANT: Naw.

23 THE COURT: Scout's honor?

24 THE DEFENDANT: Scout's honor.

25 THE COURT: I'd like to get more --

1 I'm -- Not confused. I'm still bothered by the
2 prior sentence and the facts there. To say this
3 is unusual is an understatement and I've been on
4 the bench for 26 years. And I had one similar
5 where a defendant got out. He spent I think two
6 or three years out. And finally he just said he
7 just couldn't handle it anymore and he went and
8 robbed a bank with a gun and I sent him to
9 prison. I have no problem with that. But he was
10 out. He didn't travel here from New Jersey to go
11 to prison.

12 I mean, we just don't wanna be -- I
13 know people travel to Florida because of the sun.
14 We don't want to be known as the state that the
15 prison system's so good that people if you want
16 to go back to prison come to Wisconsin.

17 THE DEFENDANT: Nobody will hear a
18 word from me. Trust me. Even if it is great,
19 they won't hear a word from me.

20 THE COURT: And if it's bad then who
21 are you gonna complain to?

22 THE DEFENDANT: Right. Nobody. It's
23 on me. But at least I'll be back in, you know,
24 my element.

25 THE COURT: I don't know about the

1 background. The court's tempted to order a
2 presentence. State want to take a position?

3 ATTORNEY GRIFFIN: No.

4 THE COURT: I'd like some more
5 information. There's something not right here.
6 I'm gonna order a presentence investigation. I
7 want some more information.

8 THE DEFENDANT: Oh, you gotta be
9 kidding me. I gotta go back to that sewer? Come
10 on.

11 THE COURT: The sewer being the House
12 of Correction?

13 THE DEFENDANT: Come on, Your Honor.

14 THE COURT: But you know when you
15 come here, you should have checked into it, while
16 you're pending sentencing you're kept at the
17 House of Correction. You're not sent --

18 THE DEFENDANT: I know. I know you
19 gonna be in county and whatever the hell they
20 call it out here, House of Correction. But the
21 fact of the matter is I robbed -- I tried to rob
22 a bank so just send me to prison.

23 THE COURT: But it was --

24 THE DEFENDANT: Right.

25 THE COURT: -- to me it was almost a

1 fake robbery in the sense you didn't have a bomb,
2 right?

3 THE DEFENDANT: No, but I could have.
4 Nobody -- She didn't know I didn't, right?

5 THE COURT: Right. Well, that's why
6 there was a basis for the charge here. No, I
7 need some more information. I want more
8 information about your background. I want to
9 know why your family's not helping you. I can't
10 believe --

11 THE DEFENDANT: Help me in what way?
12 Help me in what way?

13 THE COURT: Getting you help. Taking
14 you to the VA. I'm ordering a presentence
15 investigation.

16 THE DEFENDANT: I don't believe this
17 guy.

18 THE CLERK: February 18th at 1:30?

19 ATTORNEY ROOZEN: Is it possible to
20 do it sooner?

21 THE CLERK: No. It's 45 days out and
22 then the week of that is our charging week.

23 THE DEFENDANT: I thought we had a
24 deal?

25 (Attorney/client discussion.)

1 THE COURT: I should have warned the
2 defendant, I mean, I could give him a year at the
3 House of Correction too and tell him to leave
4 town afterwards. It doesn't have to be prison.

5 ATTORNEY ROOZEN: We did talk about
6 that, Judge.

7 (Attorney/client discussion.)

8 ATTORNEY ROOZEN: February, what was
9 the date?

10 THE CLERK: February 13th at 1:30?

11 THE DEFENDANT: When?

12 ATTORNEY ROOZEN: That's the soonest?

13 THE CLERK: A presentence is 45 days
14 out.

15 ATTORNEY ROOZEN: Okay.

16 THE DEFENDANT: It's a joke.

17 THE CLERK: So that is the soonest,
18 yes. Are you available on that date? State?

19 ATTORNEY GRIFFIN: Sure.

20 THE CLERK: Next court date, February
21 13 at 1:30 for sentencing.

22 THE DEFENDANT: No. We can go to
23 trial then. If you're gonna make me stay there,
24 you can spend the money then. We'll go to trial.

25 THE COURT: Well, you'll have to file

1 a motion to vacate the -- I'm not gonna have him
2 withdraw -- orally withdraw his motion because I
3 didn't send him to prison as he requested. You
4 want to file post-judgment motions, fine. We'll
5 hear it but it's gonna be past that date then.

6 THE DEFENDANT: That's all right. If
7 it goes to the --

8 THE COURT: Counsel -- Your attorney
9 has to do what he wants to do. If he wants to
10 file a motion to vacate the plea, he can go ahead
11 and file the plea -- file the motion. It's not
12 gonna get it done any sooner.

13 THE DEFENDANT: I tried to be a nice
14 guy and that's what you get. So spend the money
15 and take me to trial. Unbelievable.
16 Unbelievable. I'll do it again. Just keep going
17 through this process. That's all. I got no
18 problem with that.

19 - - - - -

20 (Proceedings concluded.)
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1 STATE OF WISCONSIN)
) SS:
2 MILWAUKEE COUNTY)

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6 I, KRISTIN MENZIA, RMR, CRR, an
7 official court reporter in and for the Circuit Court
8 of Milwaukee County, do hereby certify that the
9 foregoing is a true and correct transcript of all the
10 proceedings had and testimony taken in the above-
11 entitled matter as the same are contained in my
12 original machine shorthand notes on the said trial
13 or proceeding.

14 Dated at Milwaukee, Wisconsin, this
15 22nd day of January, 2019.

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19 ELECTRONICALLY SIGNED

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22 *Kristin Menzia*, RMR, CRR
23 Official Reporter
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